



Senate

General Assembly

File No. 650

January Session, 2009

Substitute Senate Bill No. 1020

Senate, April 15, 2009

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-79a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section, "pesticide" means a fungicide used on
4 plants, an insecticide, a herbicide or a rodenticide but does not mean a
5 sanitizer, disinfectant, antimicrobial agent or a pesticide bait; [, and]
6 "lawn care pesticide" means a pesticide registered by the United States
7 Environmental Protection Agency and labeled pursuant to the federal
8 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
9 ornamental sites or areas; "certified pesticide applicator" means a
10 pesticide applicator with (1) supervisory certification under section
11 22a-54, or (2) operational certification under section 22a-54, who
12 operates under the direct supervision of a pesticide applicator with
13 said supervisory certification; "licensee" means a person licensed under
14 sections 19a-77 to 19a-87e, inclusive, and "day care center" means a

15 child day care center, group day care home or family day care home
16 that provides "child day care services", as described in section 19a-77.

17 (b) No [application of pesticide may be made in any building or on
18 the grounds of] person other than a certified pesticide applicator shall
19 apply pesticide within any [child] day care center, [group day care
20 home or family day care home, each as described in section 19a-77,
21 during regular business hours] except that a person other than a
22 certified pesticide applicator may make an emergency application
23 [may be made] to eliminate an immediate threat to human health, [if
24 (1) it is necessary to make the application during regular business
25 hours] including, but not limited to, for the elimination of mosquitoes,
26 ticks and stinging insects, provided (1) the licensee or a designee of the
27 licensee determines such emergency application to be necessary, (2)
28 the licensee or a designee of the licensee deems it impractical to obtain
29 the services of a certified pesticide applicator, and [(2)] (3) such
30 emergency application does not involve a restricted use pesticide, as
31 defined in section 22a-47. [No child enrolled at such center or home
32 may enter an area where pesticides have been applied until it is safe to
33 do so according to the provisions on the pesticide label.]

34 (c) No person shall apply a lawn care pesticide on the grounds of
35 any [child] day care center, [or group day care home, as described in
36 section 19a-77,] except that an emergency application of pesticide may
37 be made to eliminate an immediate threat to human health, including,
38 but not limited to, the elimination of mosquitoes, ticks and stinging
39 insects, provided (1) the licensee or a designee of the licensee
40 determines such emergency application to be necessary, and (2) such
41 emergency application does not involve a restricted use pesticide, as
42 defined in section 22a-47. The provisions of this subsection shall not
43 apply to a family day care home, as described in section 19a-77, if the
44 grounds of such family day care home are not owned or under the
45 control of the licensee.

46 (d) No licensee or designee of a licensee shall permit any child
47 enrolled in such licensee's day care center to enter an area where a

48 pesticide has been applied in accordance with this section until it is
49 safe to do so according to the provisions on the pesticide label.

50 (e) On and after October 1, 2009, prior to providing for any
51 application of pesticide on the grounds of any day care center, the
52 licensee or a designee of the licensee shall, within the existing
53 budgetary resources of such day care center, notify the parents or
54 guardians of each child enrolled in such licensee's day care center by
55 any means practicable no later than twenty-four hours prior to such
56 application, except that for an emergency application made in
57 accordance with this section, such notice shall be given as soon as
58 practicable. Notice under this subsection shall include (1) the name of
59 the active ingredient of the pesticide being applied, (2) the target pest,
60 (3) the location of the application on the day care center property, and
61 (4) the date or proposed date of the application. A copy of the record of
62 each pesticide application at a day care center shall be maintained at
63 such center for a period of five years.

64 Sec. 2. Section 10-231b of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2009*):

66 (a) No person, other than a pesticide applicator with supervisory
67 certification under section 22a-54 or a pesticide applicator with
68 operational certification under section 22a-54 under the direct
69 supervision of a supervisory pesticide applicator, may apply pesticide
70 within any building or on the grounds of any school, other than a
71 regional agricultural science and technology education center. This
72 section shall not apply in the case of an emergency application of
73 pesticide to eliminate an immediate threat to human health where it is
74 impractical to obtain the services of any such applicator provided such
75 emergency application does not involve a restricted use pesticide, as
76 defined in section 22a-47.

77 (b) No person shall apply a lawn care pesticide on the grounds of
78 any public or private preschool or public or private school with
79 students in grade eight or lower, except that (1) on and after January 1,
80 2006, until July 1, [2009] 2010, an application of a lawn care pesticide

81 may be made at a public or private school with students in grade eight
82 or lower on the playing fields and playgrounds of such school
83 pursuant to an integrated pest management plan, which plan (A) shall
84 be consistent with the model pest control management plan developed
85 by the Commissioner of Environmental Protection pursuant to section
86 22a-66l, and (B) may be developed by a local or regional board of
87 education for all public schools under its control, and (2) an emergency
88 application of a lawn care pesticide may be made to eliminate a threat
89 to human health, as determined by the local health director, the
90 Commissioner of Public Health, the Commissioner of Environmental
91 Protection or, in the case of a public school, the school superintendent.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	19a-79a
Sec. 2	<i>July 1, 2009</i>	10-231b

ENV	<i>Joint Favorable C/R</i>	PH
PH	<i>Joint Favorable Subst. C/R</i>	ED
ED	<i>Joint Favorable</i>	

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

The bill results in a potential workload increase to licensed, municipally-operated child day care centers¹ and a potential cost, associated with providing notification to the parents/guardians of each enrolled child of pending pesticide applications. Per the bill, this is to be accommodated within existing budgetary resources. Costs would be dependent upon the number of children enrolled, as well as the method and frequency of notification.

To the extent that licensed, municipally-operated child day care centers retain certified pesticide applicators, required under the bill for all non-emergency applications of pesticides, costs associated with any such application will be incurred.

The one-year extension of an exemption from a ban on the use of pesticides on school grounds results in no fiscal impact to local and regional school districts.

The Out Years

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

¹ It should be noted that child day care center licensure is not required of programs administered by a public school system, or administered by a municipal agency and located in a public school building.

Sources: 3/2/09 Public Hearing Testimony

OLR Bill Analysis**sSB 1020*****AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.*****SUMMARY:**

This bill (1) eliminates restrictions on when applications of pesticides, other than lawn care pesticides, can be made on the grounds of day care centers; (2) broadens, with conditions, when pesticide applications are allowed in day care centers; (3) establishes who may apply pesticide inside centers; and (4) requires day care center licensees or their designees to determine that emergency pesticide applications are necessary in or on the grounds of these facilities. The bill defines "day care center" as a child day care center, group day care home, or family day care home that provides child day care services.

The bill also establishes pesticide application notification requirements for day care center licensees to inform parents and guardians of children in their care who have requested notice. By law, applications on day care center buildings and grounds cannot use a pesticide the U.S. Environmental Protection Agency (EPA) considers a restricted use pesticide, and no child enrolled in a day care center or home may enter an area where a pesticide has been applied until it is safe to do so according to the provisions on the pesticide label.

Current law prohibits the application of lawn care pesticides on the grounds of any public or private school with students up to grade eight, except in emergencies to eliminate human health threats. But it allows, until July 1, 2009, the lawn care pesticide application according to an integrated pest management plan on these schools' playing fields and playgrounds. The bill extends this exception to the ban one year, to July 1, 2010.

EFFECTIVE DATE: October 1, 2009, except for the extension to 2010 of the lawn care pesticides exception, which is effective July 1, 2009

PESTICIDE APPLICATION AT DAY CARE CENTERS

Inside Application

Current law prohibits anyone from applying pesticides during regular business hours in any building of any child day care center, group day care home, or family day care home, except in emergencies. The bill allows pesticides applications in a day care building regardless of whether there is an emergency and without restrictions on the time of day. But, under such non-emergency situations, it permits only “certified pesticide applicators” to apply the pesticide. Under the bill, a “certified pesticide applicator” is one with (1) supervisory certification or (2) operational certification who is under the direct supervision of a pesticide applicator with supervisory certification, according to law.

As under current law, anyone may apply pesticides in such buildings to eliminate immediate threats to public health, which the bill specifies includes those posed by mosquitoes, ticks, or stinging insects. In such emergencies, the bill requires the day care licensee or his or her designee to determine (1) an emergency application is necessary and (2) it is impractical to obtain a certified pesticide applicator’s services.

Outside and Lawn Care Pesticide Application

The bill eliminates the prohibition against anyone applying pesticides on the grounds of any day care center or group day care or family day care home during regular business hours, except in an emergency. By law, a pesticide is a fungicide used on plants, an insecticide, a herbicide, or a rodenticide. It does not include a sanitizer, disinfectant, antimicrobial agent, or a pesticide bait.

Current law prohibits anyone from applying lawn care pesticide on the grounds of any child day care center or group day care home, except in an emergency to eliminate an immediate threat to human health, including from mosquitoes, ticks, and stinging insects. The bill

specifies that emergency applications of lawn care pesticides on day care facility grounds (which also include family day care homes) require that the day care licensee or his or her designee determines an emergency application is needed. The bill excludes family day care homes located on land not owned or under the control of the licensee from this requirement.

By law, “a lawn care pesticide” is a U.S. EPA registered pesticide that is labeled in accordance with the federal Insecticide, Fungicide, and Rodenticide Act for use in lawn, garden, and ornamental sites or areas.

NOTICE REQUIREMENTS

The bill requires day care licensees, starting October 1, 2009, to notify, at least 24 hours before applying pesticides in or on a facility’s grounds, parents and guardians of children in their care who have requested such notice. They must do so within existing budgetary resources. It exempts emergency applications from this requirement, requiring the licensee or designee in these cases to notify parents or guardians as soon as practicable.

The notice must include (1) the name of the pesticide’s active ingredient, (2) the target pest, (3) the application’s location on the property, and (4) the date or proposed date of the application. The day care provider must keep a record of each pesticide application at the facility for five years.

BACKGROUND

Child Day Care Services

By law, child day care services include a child day care center, which provides care to 12 or more children; a group day care home, which provides care to between seven and 12 children; and a family day care home, which provides care to six or fewer children.

Integrated Pest Management Plan (IPM)

IPM is the use of all available pest control techniques, including

judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

COMMITTEE ACTION

Environment Committee

Joint Favorable Change of Reference

Yea 25 Nay 2 (03/06/2009)

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 30 Nay 0 (03/24/2009)

Education Committee

Joint Favorable

Yea 28 Nay 1 (04/01/2009)